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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,112

06/08/2005

Lukas Kupper

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

DUNWIDDIE, MEGHAN K

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/538,112

Applicant(s)

KUPPER, LUKAS

Examiner

Meghan K. Dunwiddie

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/08/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This Office Action is a Non-Final Rejection in response to the application filed on June 8, 2005 by **Kupper**.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on June 8, 2005 is in compliance with the provisions of 37 CFR 1.97, and accordingly, the information disclosure statement has been considered by the examiner.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. The abstract of the disclosure is objected to because it is taken from the first page of the PCT case and needs to be on a separate sheet of paper without all of the PCT information. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the coating, does not reasonably provide enablement for the coating being placed on the outer bulb. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. The coating in Claim 6 goes on the outer bulb as based on the specification. However, there is no mention of the outer bulb within Claim 4, which Claim 6 is dependent upon and for the reasons mentioned above, Claim 6 is rejected.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawakatsu (JP 07-220692-A).

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9. In reference to Claim 1, **Kawakatsu** shows:

- A lamp with a bulb that generates visible light and infrared light, characterized in that the bulb is provided with a coating that reflects middle infrared radiation and is transparent to near infrared radiation [See paragraphs [0038]-[0049] in reference to Figure 3 and Figures 5a and 5b: (L, 5)].

10. In reference to Claim 2, **Kawakatsu** shows:

- The bulb has an elliptical shape [Figure 5b: (L)].

11. In reference to Claim 8, **Kawakatsu** shows:

- A headlamp [Figure 4].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kawakatsu (JP 07-220692-A) in view of **Kuus** (US 4734614).

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14. Regarding Claim 3, **Kuus** shows the coating has an interference coating of Nb_2O_5 and SiO_2 , while Claim 3 recites a coating having an interference coating with thirty-seven individual layers of Nb_2O_5 and SiO_2 . However, it is also noted that the specification fails to provide teachings about the criticality of having a specific number of layers and will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such number of layers is critical. "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the workable ranges by routine experimentation". *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955).

15. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide **Kuus'** coating with thirty-seven individual layers of Nb_2O_5 and SiO_2 by routine experimentation for the purpose of filtering the desired wavelengths of light.

16. Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kawakatsu** (JP 07-220692-A) in view of **Tsuda et al.** (US 2002/0063503).

17. Regarding Claim 4, **Kawakatsu** shows the claimed invention as cited above, but does not specifically teach the bulb is provided with a coating that eliminates visible light.

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18. **Tsuda** et al. teaches:

- The bulb is provided with a coating that eliminates visible light [Figure 2: (40)].

19. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the bulb of **Kawakatsu** with a coating that eliminates visible light as taught by **Tsuda** et al. for the purpose and advantage of for blocking visible light and transmitting infrared light.

20. Regarding Claim 5, **Kawakatsu** shows the claimed invention as cited above, but does not specifically teach the bulb is surrounded by an external bulb having a coating that eliminates visible light.

21. **Tsuda** et al. teaches:

- The bulb is surrounded by an external bulb having a coating that eliminates visible light [Figure 2a: (30)].

22. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the bulb of **Kawakatsu** with an external bulb as taught by **Tsuda** et al. for the purpose and advantage of containing light emitted in a waveband harmful to human beings.

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23. Regarding Claim 7, **Kawakatsu** shows the claimed invention as cited above, but does not specifically teach the bulb is surrounded by an external bulb having a coating that eliminates visible light.

24. **Tsuda et al.** teaches:

- The coating is arranged in a lower area of the bulb [Figure 2a: (40)].

25. It would have been obvious for one of ordinary skill in the art, at the time of the invention to provide the bulb of **Kawakatsu** with a coating on the lower area of the bulb as taught by **Tsuda et al.** for the purpose and advantage of eliminating the visible light.

Allowable Subject Matter

26. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meghan K. Dunwiddie whose telephone number is (571) 272-8543. The examiner can normally be reached on Monday through Friday 8 am-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MKD


Stephen Husar
Primary Examiner